



TFW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Martin E. LEE

Group Art Unit: 2837

Application No.: 09/449,763

Examiner: B. Ro

Filed: November 26, 1999

Docket No.: 102306.09

For: POSITIONING DEVICE HAVING DYNAMICALLY ISOLATED FRAME, AND
LITHOGRAPHIC DEVICE PROVIDED WITH SUCH A POSITIONING DEVICE

**REQUEST FOR PATENT OFFICE TO ACT ON APPLICATION PREVIOUSLY
INVOLVED IN INTERFERENCE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present application was involved in Patent Interference No. 104,813. On December 4, 2003, the U.S. Patent and Trademark Office Board of Patent Appeals and Interferences (The Board) issued a decision on preliminary motions and judgment that was favorable to Lee (the inventor of the present application). Lee thus was the prevailing party in the interference. The other party in the interference instigated a litigation in the U.S. District Court for the District of Columbia on February 2, 2004 to seek review of the Board's decision. The U.S. District Court action has been dismissed, and on May 4, 2005 a copy of the Decision dismissing the litigation was provided to the Board. Thus, the present

application no longer is involved in court proceedings, and thus Applicant requests that the Patent Office resume prosecution of this application.¹

The appropriate Patent Office official is invited to contact Applicant's undersigned attorney at the telephone number listed below if there are any questions or if anything further is desired by the Patent Office.

Respectfully submitted,



Mario A. Costantino
Registration No. 33,565

MAC/ccs

Date: June 5, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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¹ Related Application No. 09/449,762, which was involved in related Interference No. 104,814 had a similar disposition and was returned to the Examiner in August, 2005 and has been subsequently allowed and issued as a patent.